

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	28-Nov-05	APPL. S. N:	10755039
To Examiner:	JOHNS, ANDREW W.	Art Unit	2621
From	Jefferson, Henry PARALEGAL SPCECLIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- The T.D. is PROPER and has been recorded (see 14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - The T.D. is not signed (see 14.26 & 14.26.03).
 - The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
- Other: [REDACTED]
- Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: _____

Application Number 	Application/Control No. 10/755,039	Applicant(s)/Patent under Reexamination JONES ET AL.

Document Code - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : November 28, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jones, et al.

Application No.: 10/755039

Confirmation No.: 8706

Filed: January 9, 2004

Art Unit: 2621

For: DOCUMENT PROCESSING SYSTEM AND
METHOD

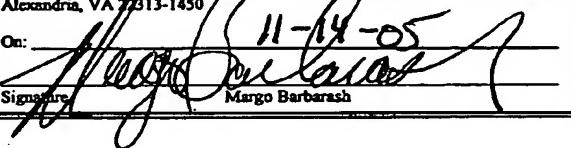
Examiner: A. Johns

MS AMENDMENT
Commissioner for Patents
MS Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited postage paid with the United States Postal Service as first class mail in an envelope addressed to: MS AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

On: 11-14-05

Signature: 
Margo Barbarash

Dear Sir:

TERMINAL DISCLAIMER

Petitioner, Cummins-Allison Corporation, is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from U.S. Patent Nos. 6,647,136 and 6,603,872, and hereby agrees that any patent so granted on said above-captioned

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application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,647,136 and 6,603,872, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Your Petitioner does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent Nos. 6,647,136 and 6,603,872, in the event that any said issued patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

CERTIFICATION UNDER 37 C.F.R. 3.73(b)

I, the undersigned, certify that I am an individual empowered to act on behalf of petitioner, Cummins-Allison Corporation, the assignee of the entire right, title and interest of the above-captioned application by virtue of an assignment from the inventor(s) of said application.

I further certify that I have reviewed documents in the chain of title of the patent application identified above, that the Assignment has been recorded in the U.S. Patent and Trademark Office at Reel No. 8756, Frame 0984, dated October 9, 1997, that I have reviewed

the Assignment recorded at said reel and frame, and that to the best of my knowledge and belief title is in the above-noted assignee.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 11/14/05

Respectfully submitted,

By

Andre M. Szuwalski
Registration No. 35,701
JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION
1445 Ross Avenue, Suite 3700
Dallas, Texas 75202
(214) 855-4500
Attorneys For Applicant

CUSTOMER NO. 41230

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete If Known	
		Application Number	10/755039-Conf. #8706
		Filing Date	January 9, 2004
		First Named Inventor	John E. Jones
		Examiner Name	A. W. Johns
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	2621
TOTAL AMOUNT OF PAYMENT (\$) 130.00		Attorney Docket No. 47171-00354USD1	

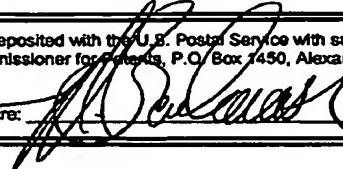
METHOD OF PAYMENT (check all that apply)					
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____	
<input type="checkbox"/> Deposit Account Deposit Account Number: 10-0447 Deposit Account Name: Jenkins & Gilchrist, a Professional Corporation					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)					
<input type="checkbox"/> Charge fee(s) indicated below			<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee		
<input type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17			<input checked="" type="checkbox"/> Credit any overpayments		

FEE CALCULATION																																																													
1. BASIC FILING, SEARCH, AND EXAMINATION FEES																																																													
<table border="1"> <thead> <tr> <th rowspan="2"><u>Application Type</u></th> <th colspan="2"><u>FILING FEES</u></th> <th colspan="2"><u>SEARCH FEES</u></th> <th colspan="2"><u>EXAMINATION FEES</u></th> <th rowspan="2"><u>Fees Paid (\$)</u></th> </tr> <tr> <th><u>Fee (\$)</u></th> <th><u>Small Entity</u></th> <th><u>Fee (\$)</u></th> <th><u>Small Entity</u></th> <th><u>Fee (\$)</u></th> <th><u>Small Entity</u></th> </tr> </thead> <tbody> <tr> <td>Utility</td> <td>300</td> <td>150</td> <td>500</td> <td>250</td> <td>200</td> <td>100</td> <td></td> </tr> <tr> <td>Design</td> <td>200</td> <td>100</td> <td>100</td> <td>50</td> <td>130</td> <td>65</td> <td></td> </tr> <tr> <td>Plant</td> <td>200</td> <td>100</td> <td>300</td> <td>150</td> <td>160</td> <td>80</td> <td></td> </tr> <tr> <td>Reissue</td> <td>300</td> <td>150</td> <td>500</td> <td>250</td> <td>600</td> <td>300</td> <td></td> </tr> <tr> <td>Provisional</td> <td>200</td> <td>100</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td></td> </tr> </tbody> </table>								<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	Utility	300	150	500	250	200	100		Design	200	100	100	50	130	65		Plant	200	100	300	150	160	80		Reissue	300	150	500	250	600	300		Provisional	200	100	0	0	0	0	
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Provisional	200	100	0	0	0	0																																																							
2. EXCESS CLAIM FEES																																																													
<u>Fee Description</u> <table border="1"> <thead> <tr> <th><u>Total Claims</u></th> <th><u>Extra Claims</u></th> <th><u>Fee (\$)</u></th> <th><u>Fee Paid (\$)</u></th> <th><u>Multiple Dependent Claims</u></th> <th><u>Fee (\$)</u></th> <th><u>Fee Paid (\$)</u></th> </tr> </thead> <tbody> <tr> <td>71</td> <td>- 71 =</td> <td>x</td> <td>=</td> <td></td> <td></td> <td></td> </tr> <tr> <td>6</td> <td>- 6 =</td> <td>x</td> <td>=</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>								<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	71	- 71 =	x	=				6	- 6 =	x	=																																				
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3. APPLICATION SIZE FEE																																																													
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).																																																													
<u>Total Sheets</u> <u>Extra Sheets</u> <u>Number of each additional 50 or fraction thereof</u> <u>Fee (\$)</u> <u>Fee Paid (\$)</u> - 100 = /50 (round up to a whole number) x =																																																													
4. OTHER FEE(S)																																																													
Non-English Specification, \$130 fee (no small entity discount) Other (e.g., late filing surcharge): <u>1814 Statutory Disclaimer</u> <u>130.00</u>																																																													

SUBMITTED BY	
<u>Signature</u>	<u>Registration No. (Attorney/Agent)</u>
<u>Name (Print/Type)</u>	<u>Telephone</u>
<u>Andre M. Szwalski</u> (214) 855-4795	
Date <u>November 14, 2005</u>	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 14, 2005

Signature: 

(Margo Barbarash)

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FEE SUMMARY SHEET
Transmittal – Amendment

Date: November 14, 2005
Time: 1:36 PM
Docket: 47171-00354USD1

Filing Date: January 9, 2004
Application No: 10/755039
Total Fee: \$ 130.00

Code	Amount	37 CFR	Fee Description	Listed on
1814	130.00	1.20(d)	Statutory Disclaimer	Fee Transmittal (PTO SB-17)

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